

REMARKS

Initially, in accordance with Applicants' duty to provide a statement of the substance of an interview, Applicants' representative participated in a telephone interview with Examiner Lie on September 18, 2007. Applicants would like to thank Examiner Lie for the courtesies extended during the telephone interview. During that interview, Applicants' representative discussed with the Examiner claim language that the Examiner agreed appeared to overcome the outstanding rejections. The Examiner agreed to reconsider the rejections set forth in the non-final Office Action in response to the filing of this Amendment.

In the non-final Office Action, the Examiner rejected claims 1, 19, 20, 22, and 27 under 35 U.S.C. § 112, second paragraph, as indefinite; rejected claims 1, 3, 7, 14, 16-24, and 26-31 under 35 U.S.C. § 102(e) as anticipated by Gailey et al. (U.S. Patent Publication No. 2005/0027591); and rejected claims 4-6 and 8-11 under 35 U.S.C. § 103(a) as unpatentable over Gailey et al. in view of Berkan et al. (U.S. Patent Publication No. 2003/0074353). The Examiner objected to claims 12 and 13 as dependent upon a rejected base claim, but indicated that claims 12 and 13 would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claim.

By this Amendment, Applicants amend the specification to include subject matter from paragraph 0028 in U.S. Patent Application No. 10/665,359, which was incorporated by reference in the originally-filed application. Thus, no new matter has been added. Applicants also amend claims 1, 6, 10, 11, 16, 19, 20, 22, 23, 26, 27, and 30 to improve form. Applicants appreciate the Examiner's identification of allowable subject matter, but respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 112, 102, and 103 with regard to the claims presented herein.

Claims 1, 3-14, 16-24, and 26-31 remain pending.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

In paragraphs 2-4 of the Office Action, the Examiner rejected claims 1, 19, 20, 22, and 27 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Examiner alleged that the phrase "identifies an extent or amount to which geographically-based search results are relevant to the query" is indefinite. Without acquiescing in the Examiner's allegation, Applicants have amended claims 1, 19, 20, and 27 to generally recite determining a location sensitivity score (or data) that corresponds to a geographic range associated with the query or a user issuing the query, and have amended claim 22 to recite determining location sensitivity data that corresponds to a geographic range relating to the identified topic. Applicants submit that this language is clearly definite.

Accordingly, Applicants request the reconsideration and withdrawal of the rejection of claims 1, 19, 20, 22, and 27 under 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102 BASED ON GAILEY ET AL.

In paragraph 7 of the Office Action, the Examiner rejected claims 1, 3, 7, 14, 16-24, and 26-31 under 35 U.S.C. § 102(e) as allegedly anticipated by Gailey et al. Applicants respectfully traverse the rejection with regard to the claims presented herein.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Gailey et al. does not disclose or suggest the combination of features recited in claims 1, 3, 7, 14, 16-24, and 26-31.

Amended independent claim 1, for example, is directed to a method that comprises receiving a search query; determining a geographic location associated with the query; determining a location sensitivity score that corresponds to a geographic range associated with at least one of the query or a user issuing the query; determining topical scores for a set of documents based, at least in part, on the query; determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a distance between a geographic location associated with the document and the geographic location associated with the query; and ordering the set of documents as a function of both the topical scores of the set of documents and the distance scores of the set of documents.

Gailey et al. does not disclose or suggest the combination of features recited in amended claim 1. For example, Gailey et al. does not disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with at least one of the query or a user issuing the query. Applicants' specification describes examples in which the location sensitivity score is used. For example, at paragraph 0032, Applicants describe that the geographic range for a search for "pizza" might be smaller than the geographic range for a search for "automobiles/cars." Also, at paragraph 0046, Applicants describe that the geographic range for a search for "plumbers" might be smaller than the geographic range for a search for "travel destinations." Gailey et al. et al. discloses nothing remotely similar to a location sensitivity score.

The Examiner alleged that Gailey et al. discloses determining a location sensitivity score and cited paragraphs 0078 and 0081 of Gailey et al. for support (Office Action, page 3). Applicants disagree with the Examiner's interpretation of Gailey et al.

At paragraph 0078, Gailey et al. discloses:

By way of example only, let's say that a respective user of the remote terminal 12 wants to obtain business information related to determining the location of a favorite local fast-food restaurant. As such, the user's vocal response that is received by the remote terminal 12 might contain a voice signal that includes a request for business information that could be phrased something along the lines of the following statement: "What is the address of a Burger King restaurant that is close to my present location?" As previously set forth, this preferred embodiment of the present invention is capable of interpreting this request using natural language processing applications to generate a structured response.

In this section, Gailey et al. discloses that a user can verbally request business information, such as the location of a favorite local fast-food restaurant. Nowhere in this section, or elsewhere, does Gailey et al. disclose or suggest anything similar to a location sensitivity score, let alone determining a location sensitivity score that corresponds to a geographic range associated with at least one of the query or a user issuing the query, as required by claim 1. Instead, Gailey et al. simply discloses a local search that determines the location of the user and finds search results that are geographically near that location (paragraph 0081).

At paragraph 0081, Gailey et al. discloses:

As set forth in detail above, the remote terminal 12 also sends a remote terminal identifier with the vocal response that is preferentially integrated in some manner with the structured business request that is ultimately generated and sent to the location-based application server 28. In addition, in this preferred embodiment of the present invention as well as others, a geographic indicator and a remote terminal identifier associated with the respective remote terminal 12 making the structured business request is also obtained or has already been obtained by the location-based application server 28. As illustrated in FIG. 2, the geographic indicator and the structured business request are used by the business/services finder application 62 to generate a structured business response that is responsive to the structured business request. In our current example, the preferred business/services finder application 62 uses the geographic indicator of the remote terminal 12 to determine which particular Burger King location is closest to remote terminal 12. A mapping routine within the business/services finder application 62 compares the geographic location of the remote terminal 12 with the respective geographic locations of Burger King restaurants retrieved by the structured business request and makes the determination of which location is closest to the remote terminal 12, which can be based on the distance of the remote terminal 12 from each respective location. As illustrated in FIG. 2, this is accomplished by a data access routine 64 that accesses the appropriate information from the business data files 56, which preferentially contains a database of business listings, addresses, products and/or services provided.

In this section, Gailey et al. discloses a business/services finder application that obtains a geographic indicator associated with a remote terminal, and uses the geographic indicator to determine which business (Burger King) is closest to the remote terminal by comparing the geographic location of the remote terminal with the respective geographic locations of the businesses. Nowhere in this section, or elsewhere, does Gailey et al. disclose or suggest anything similar to a location sensitivity score, let alone determining a location sensitivity score that corresponds to a geographic range associated with at least one of the query or a user issuing the query, as required by claim 1.

Even assuming, for the sake of argument, that Gailey et al. could somehow be interpreted to disclose a location sensitivity score (a point that Applicants do not concede for at least the reasons given above), Gailey et al. does not disclose or suggest determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a distance between a geographic location associated with the document and the geographic location associated with the query, as further recited in claim 1.

The Examiner alleged that Gailey et al. discloses determining a distance score for each document in the set of documents based, at least in part, on document location associated with the document, the location associated with the query, and the location sensitivity score, and cited paragraph 0081 of Gailey et al. for support (Office Action, page 3). Without acquiescing in the Examiner's allegation, Applicants submit that Gailey et al. does not disclose or suggest determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a distance between a geographic location associated with the document and the geographic location associated with the query, as recited in amended claim 1.

Paragraph 0081 of Gailey et al. is reproduced above. In this section, Gailey et al. discloses a business/services finder application that obtains a geographic indicator associated with a remote terminal, and uses the geographic indicator to determine which business (Burger King) is closest to the remote terminal by comparing the geographic location of the remote terminal with the respective geographic locations of the businesses. In other words, Gailey et al. simply discloses that a distance is calculated between the location of the remote terminal and the location of each of the businesses of interest to identify the business location that is closest to the remote terminal. At best, this distance may correspond to the distance factor (i.e., "a distance between a geographic location associated with the document and the geographic location associated with the query") used in determining the distance score in claim 1 (though Applicants do not concede this). Thus, Gailey et al. does not disclose or suggest determining a distance score for each document in the set of documents based, at least in part, on (1) the location sensitivity score and (2) a distance between a geographic location associated with the document and the geographic location associated with the query, as required by claim 1.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Gailey et al. Claims 3, 7, 14, and 16-18 depend from claim 1 and are, therefore, not anticipated by Gailey et al. for at least the reasons given with regard to claim 1.

Amended independent claims 19 and 20 recite features similar to (yet possibly different in scope from) features recited in claim 1. Claims 19 and 20 are, therefore, not anticipated by Gailey et al. for at least reasons similar to reasons given with regard to claim 1. Claim 21 depends from claim 20 and is, therefore, not anticipated by Gailey et al. for at least the reasons given with regard to claim 20.

Amended independent claim 22 is directed to a method that comprises receiving a search query; identifying a topic relating to the search query; determining location sensitivity data that corresponds to a geographic range relating to the identified topic; identifying a set of documents based, at least in part, on the search query; determining a geographic location associated with at least one document in the set of documents; and ranking the at least one document in the set of documents based, at least in part, on the geographic location associated with the at least one document and the location sensitivity data.

Gailey et al. does not disclose or suggest the combination of features recited in amended claim 22. For example, Gailey et al. does not disclose or suggest determining location sensitivity data that corresponds to a geographic range relating to a topic relating to a received search query. In fact, Gailey et al. does not even disclose or suggest a topic relating to a received search query, as recited in claim 22. Thus, Applicants submit that Gailey et al. cannot disclose or suggest determining location sensitivity data that corresponds to a geographic range relating to a topic relating to a received search query, as required by claim 22.

The Examiner did not specifically address this feature and, thus, did not establish a proper rejection under 35 U.S.C. § 102.

For at least these reasons and reasons similar to the reasons given with regard to claim 1, Applicants submit that claim 22 is not anticipated by Gailey et al. Claims 23, 24, and 26 depend from claim 22 and are, therefore, not anticipated by Gailey et al. for at least the reasons given with regard to claim 22.

Amended independent claim 27 recites features similar to (yet possibly different in scope from) features recited in claim 1. Claim 27 is, therefore, not anticipated by Gailey et al. for at

least reasons similar to reasons given with regard to claim 1.

Amended independent claim 28 is directed to a method that comprises analyzing a target document to identify a topic for the target document and a geographic location associated with the target document; identifying targeting information for a plurality of advertisements; comparing the targeting information to the topic to identify a set of potential advertisements; determining a distance score for at least one advertisement in the set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and the geographic location associated with the target document; ordering the set of potential advertisements based, at least in part, on the distance score of the at least one advertisement; and presenting at least some of the ordered set of potential advertisements.

Gailey et al. does not disclose or suggest the combination of features recited in claim 28. For example, Gailey et al. does not disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document.

The Examiner alleged that Gailey et al. discloses determining a distance score for at least one advertisement in the set of potential advertisements using an advertiser location associated with the one advertisement and the location associated with the target document and cited paragraph 81, lines 18-20, of Gailey et al. for support (Office Action, page 6). Without acquiescing in the Examiner's allegation, Applicants submit that Gailey et al. does not disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one

advertisement and a geographic location associated with a target document, as recited in amended claim 28.

At paragraph 81, lines 18-20, Gailey et al. discloses:

In our current example, the preferred business/services finder application 62 uses the geographic indicator of the remote terminal 12 to determine which particular Burger King location is closest to remote terminal 12.

In this section, Gailey et al. simply discloses determining which Burger King location is closest to the remote terminal using a geographic indicator. Nowhere in this section does Gailey et al. disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document, as required by claim 28. Instead, Gailey et al. discloses determining a distance from a business location to a remote terminal.

For at least these reasons, Applicants submit that claim 28 is not anticipated by Gailey et al. Claims 29 and 30 depend from claim 28 and are, therefore, not anticipated by Gailey et al. for at least the reasons given with regard to claim 28.

Independent claim 31 is directed to a system for presenting advertisements relevant to a target document. The system comprises means for identifying a topic for the target document; means for identifying a location associated with the target document; means for identifying targeting information for a plurality of advertisements; means for identifying a set of potential advertisements based, at least in part, on the targeting information and the topic for the target document; means for determining a distance score for at least one advertisement in the set of potential advertisements using an advertiser location associated with the at least one advertisement and the location associated with the target document; means for ranking the set of

potential advertisements based, at least in part, on the distance score of the at least one advertisement; and means for presenting at least one of the ranked set of potential advertisements within the target document.

Gailey et al. does not disclose or suggest the combination of features recited in claim 31. For example, Gailey et al. does not disclose or suggest means for determining a distance score for at least one advertisement in the set of potential advertisements using an advertiser location associated with the at least one advertisement and the location associated with the target document.

The Examiner alleged that Gailey et al. discloses determining a distance score for at least one advertisement in the set of potential advertisement using an advertiser location associated with the one advertisement and the location associated with the target document and cited paragraph 81, lines 18-20, of Gailey et al. for support (Office Action, page 6). Applicants respectfully disagree for at least reasons similar to reasons given with regard to claim 28.

For at least these reasons, Applicants submit that claim 31 is not anticipated by Gailey et al.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3, 7, 14, 16-24, and 26-31 based on Gailey et al.

REJECTION UNDER 35 U.S.C. § 103 BASED ON GAILEY ET AL. AND BERKAN ET AL.

In paragraph 9 of the Office Action, the Examiner rejected claims 4-6 and 8-11 under 35 U.S.C. § 103(a) as allegedly unpatentable over Gailey et al. in view of Berkan et al. Applicants respectfully traverse the rejection.

Claims 4-6 and 8-11 depend from claim 1. Without acquiescing in the Examiner's

rejection of claims 4-6 and 8-11, Applicants respectfully submit that the disclosure of Berkan et al. does not cure the deficiencies in the disclosure of Gailey et al. identified above with regard to claim 1. Therefore, claims 4-6 and 8-11 are patentable over Gailey et al. and Berkan et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4-6 and 8-11 based on Gailey et al. and Berkan et al.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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